

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 NOV 20 AM 10:05

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
'07 MJ 2705

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro RESENDIZ-Avila

Defendant.

BY: Magistrate Case No. CL DEPUTYCOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation (Felony)

The undersigned complainant being duly sworn states:

On or about **November 19, 2007**, within the Southern District of California, defendant **Pedro RESENDIZ-Avila**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Yadira SALINAS-Gomez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF
NOVEMBER, 2007.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Yadira SALINAS-Gomez** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On November 19, 2007, at approximately 0835 hours, **Pedro RESENDIZ-Avila** was awaiting to make application for admission into the United States from Mexico at the Otay Mesa Port of Entry vehicle primary lanes. Defendant was the driver of a gold Honda Accord. A United States Customs and Border Protection (CBP) Anti-Terrorism and Contraband Enforcement Team (AT-CET) Officer approached the Defendant. During questioning, Defendant showed signs of nervousness, avoided eye contact and pretended to read the newspaper. Defendant stated that he was the owner of the vehicle, that he was going to San Ysidro, and that he was not bringing anything from Mexico. During a cursory inspection of the vehicle, the CBP Officer noticed a strong odor of gasoline emanating from the vehicle. The CBP Officer inspected the undercarriage and noticed the fuel tank was sprayed with black paint. The CBP Officer tapped the tank and noticed it sounded solid. The Defendant was escorted to the security office and the vehicle was referred to secondary for further inspection.

In secondary, a CBP Officer removed the rear bench seat and discovered an undocumented female alien concealed in a non-factory, modified gas tank compartment. The undocumented alien was held as a material witness and is now identified as **Yadira SALINAS-Gomez (Material Witness)**. Material Witness was determined to be a citizen of Mexico without entitlements to enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. During a subsequent interview, Defendant admitted he was to be paid \$1,200.00 U.S. dollars to drive the vehicle into the United States. Defendant admitted knowledge of the concealed undocumented alien. Defendant admitted he was taking the vehicle Chula Vista, California.

A videotaped interview was conducted with the Material Witness. Material Witness stated she is a citizen of Mexico without legal documents to lawfully enter the United States. Material Witness stated she made arrangements with an unknown male in Mexico and was to pay \$2,000.00 U.S. dollars to be smuggled in the United States. Material Witness stated she wanted to travel to San Diego, California to seek employment and residency.